

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

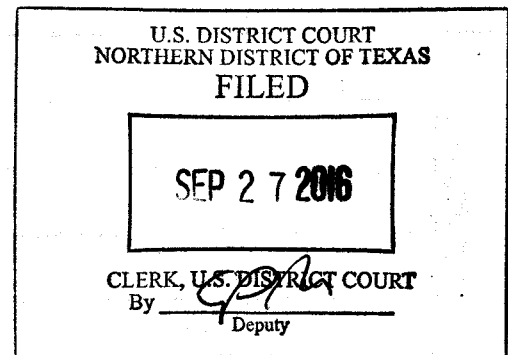
MALLORY MEYER, INDIVIDUALLY  
AND AS DAUGHTER AND PERSONAL  
REPRESENTATIVE OF THE ESTATE  
OF JAMES EVERETT MEYER,  
DECEASED.

PLAINTIFF

VS

KEVIN COFFEY INDIVIDUALLY &  
AS AN AGENT/EMPLOYEE OF THE  
MAYPEARL POLICE DEPARTMENT  
&/OR THE CITY OF MAYPEARL, TEXAS  
DEFENDANTS

CIVIL ACTION NO.  
3:15-cv-02935-B



DEFENDANT KEVIN COFFEY'S RESPONSE TO  
PLAINTIFF MALLORY MEYER AND THE ESTATE OF JAMES  
EVERETT MEYER'S MOTION TO DISMISS CLAIMS WITHOUT  
PREJUDICE PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE  
41(a)(2).

ON AUGUST 10, 2016, PLAINTIFFS FILED A MOTION TO  
DISMISS THEIR CLAIMS WITHOUT PREJUDICE. ALTHOUGH  
DEFENDANT KEVIN COFFEY DOES NOT OBJECT TO THE DISMISSAL OF  
PLAINTIFF'S CLAIMS, DEFENDANT KEVIN COFFEY DOES OBJECT TO

THE DISMISSAL OF THE CLAIMS WITHOUT PREJUDICE. ON JULY 15, 2016 THE CITY FILED A MOTION TO DISMISS PURSUANT TO RULE 12(C) ASSERTING, AMONG OTHER THINGS, THAT PLAINTIFFS CLAIMS WERE BARRED BY THE TWO-YEAR STATUTE OF LIMITATIONS, THAT PLAINTIFFS HAVE FAILED TO IDENTIFY AN OFFICIAL POLICY IN SUPPORT OF THEIR MUNICIPAL-LIABILITY CLAIMS, AND THAT PLAINTIFFS' NEGLIGENCE HIRING AND SUPERVISION CLAIM IS INVALID UNDER § 1983 AS A MATTER OF LAW, AND WITH REGARD TO DEFENDANT KEVIN COFFEY PLAINTIFF HAS FAILED TO PROVIDE ANY EVIDENCE OF HARRASMENT TO EITHER THE PLAINTIFF OR JAMES EVERETT MEYER. THAT MOTION REQUESTED A DISMISSAL OF PLAINTIFFS CLAIMS WITH PREJUDICE AND PLAINTIFFS NEVER RESPONDED TO THAT MOTION DESPITE THE PASSAGE OF THE DEADLINE. ADDITIONALLY DEFENDANT KEVIN COFFEY WOULD POINT OUT THAT ALL OF THE SUBSTANTIVE DEADLINES IN THE S. 11, SCHEDULING ORDER HAVE PASSED WITH THE EXCEPTION OF THE PRE-TRIAL DEADLINES. THUS THIS CASE HAS BEEN THROUGH A FULL DISCOVERY PERIOD.

ACCORDINGLY, THE ~~CITY~~ ~~RES~~ DEFENDANT KEVIN COFFEY P.F. RESPECTFULLY REQUESTS THAT THIS CASE BE DISMISSED WITH PREJUDICE AS TO THE DEFENDANT KEVIN COFFEY. THE DEFENDANT KEVIN COFFEY FURTHER REQUESTS ANY ADDITIONAL RELIEF TO WHICH HE IS JUSTLY ENTITLED.

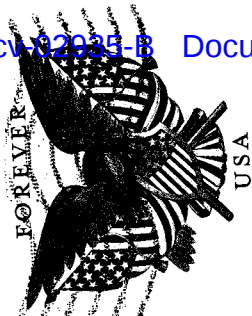
RESPECTFULLY SUBMITTED,

KMCM

KEVIN M. COFFEY

REPRESENTING DEFENDANT KEVIN COFFEY

CORREY 272815  
WMDC  
300 S JACKSON  
WAXAHACHIE, TX 75165



NORTH TEXAS TX PMDC  
DALLAS TX 750  
23-SEP 2016 PMD1

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MAIL ROOM

CLERK OF COURT  
U.S. District Court for Northern Dist. of Texas  
DALLAS DIVISION  
1100 COMMERCE ST. Room # 1452  
DALLAS, TEXAS 75202

9-22-2016  
WDC

75242-131052  
PRIVILEGED LEGAL MAIL